

Message Text

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17

ACTION IO-11

INFO OCT-01 ARA-10 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04

H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01 SP-02

SS-15 USIA-15 ACDA-10 OIC-02 AID-05 EB-07 CIEP-02

TRSE-00 STR-04 OMB-01 CEA-01 COME-00 FTC-01 JUSE-00

/123 W

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R 111950Z MAR 76
FM AMEMBASSY LIMA
TO SECSTATE WASHDC 9272
INFO USUN NEW YORK 719
AMEMBASSY BONN
AMEMBASSY PARIS
AMEMBASSY LONDON

UNCLAS LIMA 2365

EO 11652: N/A

TAGS: ACON, EFIN, ECOSOC

SUBJECT: UN TRANSNATIONAL COMMISSION - FRG REPRESENTATION
ISSUE

REF: BONN 03992, STATE 57037, BONN 3936, LIMA 2251

1.LETTERS BY GDR (E/C 10/L.4) USSR (E/C.10/L.5) AND
BULGARIA (E/C.10/L.6) PROTESTING THE DESIGNATION OF GUENTHER
AS HEAD OF FRG DELEGATION WERE FORMALLY CIRCULATED ON
MARCH 10. TEXT OF SOVIET LETTER TRANSMITTED BELOW:
QUOTE: LETTER DATED 4 MARCH 1976 FROM THE HEAD OF THE
DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ADDRESSED TO THE CHAIRMAN OF THE COMMISSION;

I HAVE THE HONOUR TO CALL YOUR ATTENTION TO THE FACT
THAT, IN THE PRELIMINARY LIST OF REPRESENTATIVES OF STATES
TO THE SECOND SESSION OF THE COMMISSION ON TRANSNATIONAL
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CORPORATIONS, PROFESSOR E. GUNTHER, PRESIDENT OF THE

FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS
OF THE FEDERAL REPUBLIC OF GERMANY, WHOSE HEADQUARTERS
IS SITUATED IN WEST BERLIN, IS LISTED AS THE OFFICIAL
REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY.

SUCH ACTION ON THE PART OF THE FEDEDERAL REPUBLIC OF
GERMANY IS IN CLEAR CONTRADICTION OF THE FOUR-POWER
AGREEMENT OF 3 SEPTEMBER 1971 ON WEST BERLIN, REPUBLIC
OF GERMANY AND IS NOT GOVERNED BY IT. HENCE THE ACTION
OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND
TRUSTS IN WEST BERLIN IN ATTEMPTING TO ESTABLISH THE
JURISDICTION OF THE FEDERAL REPUBLIC OF GERMANY IN WEST
BERLIN CONTRADICTS THE FOUR-POWER AGREEMENT AND IS IN-
COMPATIBLE WITH ITS PROVISIONS.

FOR THESE REASONS, MR. CHAIRMAN, THE DELEGATION OF
THE USSR CANNOT RECOGINCE THE LEGITIMACY OF THE APPOINT-
MENT OF PROFESSOR GUNTHER AS THE REPRESENTATIVE OF THE
FEDERAL REPUBLIC OF GERMANY TO THE COMMISSION.

IN CONCLUSION I SHOULD LIKE TO EXPRESS THE HOPE THAT
THIS LETTER WILL BE DULY REFLECTED IN THE DOCUMENTS OF THE
PRESENT SESSION.

(SIGNED V. CHTCHETININE. END QUOTE

2. IN RESPONSE, BONN GROUP REPS SUBMITTED LETTER BASED ON
TEXT TRANSMITTED REFTEL C WHICH OFFICIALLY CIRCULATED AS
E/C.10/L.7. ORIGINAL TEXT IN FRENCH. ENGLISH VERSION
TRANSMITTED BELOW:

QUOTE: LETTER DATED 10 MARCH 1976 FROM THE HEADS
OF THE DELEGATIONS OF FRANCE, THE UNITED KINGDOM AND
THE UNITED STATES ADDRESSED TO THE CHAIRMAN OF THE
COMMISSION:

WE HAVE THE HONOUR TO REFER TO THE LETTER ADDRESSED
TO YOU BE THE REPRESENTATIVE OF THE SOVIET UNION AT THE
SECOND SESSION OF THE COMMISSION ON TRANSNATIONAL COR-
PORATIONS ON 4 MARCH 1976 CONCERNING THE REPRESENTATION
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OF THE FEDERAL REPUBLIC OF GERMANY AT THIS SESSION.

THE AUTHORITIES OF THE THREE POWERS CONFIRM THE
TERMS OF THE LETTER WHICH THEY ADDRESSED ON THAT SUBJECT
ON 27 JUNE 1975 TO THE SECRETARY-GENERAL (A/10127) AND
WISH IN PARTICULAR TO RECALL THE FOLLOWING PASSAGES THERE-
FROM.

THE ASSERTION BY THE REPRESENTATIVE OF THE UNION
OF SOVIET SOCIALIST REPUBLICS THAT THE APPOINTMENT OF
DR. EBERHARD GUNTHER AS THE REPRESENTATIVE OF THE
FEDERAL REPUBLIC OF GERMANY TO THE SECOND SESSION OF THE
UNITED NATIONS COMMISSION ON TRANSNATIONAL CORPORATIONS
IS IN CONTRADICTION OF THE FOUR-POWER AGREEMENT OF 3
SEPTEMBER 1971 IS WITHOUT ANY FUNDATION. THAT AGREEMENT,
WHICH WAS SIGNED AT BERLIN BY THE GOVERNMENTS OF
FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, THE UNITED STATES OF AMERICA AND THE UNION
OF SOVIET SOCIALIST REPUBLICS, CONTAINS NO PROVISION
THAT WOULD SUPPORT ANY SUCH ASSERTION.

THE ESTABLISHMENT OF THE FEDERAL OFFICE FOR THE
SUPERVISION OF CARTELS AND TRUSTS IN THE WESTERN SECTORS
OF BERLIN WAS APPROVED IN 1957 BY THE UNITED KINGDOM,
FRENCH AND UNITED STATES AUTHORITIES EXERCISING THEIR
SOVEREIGN AUTHORITY. THOSE AUTHORITIES HAVE SATISFIED
THEMSELVES THAT THE FEDERAL OFFICE FOR THE SUPERVISION
OF CARTELS AND TRUSTS DOES NOT EXERCISE IN THE WESTERN
SECTORS OF BERLIN ANY DIRECT GOVERNMENTAL JURISDICTION
OVER THE WESTERN SECTORS OF BERLIN. CONSEQUENTLY, NEITHER
THE PRESENCE NOR THE ACTIVITIES OF THAT OFFICE IN THE
WESTERN SECTORS OF BERLIN CONFLICT WITH ANY PROVISION
OF THE FOUR-POWER AGREEMENT.

THE ABOVE-MENTIONED LETTER FROM THE REPRESENTATIVE
OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONTAINS AN
INCOMPLETE AND THEREFORE MISLEADING REFERENCE TO THE
FOUR-POWER AGREEMENT. THE RELEVANT PROVISION OF THE
AGREEMENT TO WHICH THE SOVIET REPRESENTATIVE INTENDED
TO REFER STIPULATES THAT THE LINKS BETWEEN THE WESTERN
SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY
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SHALL BE MAINTAINED AND DEVELOPED, BEARING IN MIND THAT
THESE SECTORS ARE STILL NOT AN INTEGRAL PART OF THE
FEDERAL REPUBLIC OF GERMANY AND ARE STILL NOT GOVERNED
BY IT.

WITH REGARD TO THE OTHER COMMUNICATIONS ADDRESSED
TO THE CHAIRMAN OF THE COMMISSION ON THIS MATTER, WE
WISH TO POINT OUT THAT STATES WHICH ARE NOT PARTIES TO
THE FOUR-POWER AGREEMENT ARE NOT COMPETENT TO INTERPRET
ITS PROVISIONS.

WE SHOULD BE GRATEFUL IF YOU WOULD INCLUDE THIS LETTER
AMONG THE OFFICIAL DOCUMENTS OF THE SECOND SESSION OF THE
COMMISSION ON TRANSNATIONAL CORPORATIONS.

(SIGNED) A. MUELLER (SIGNED) S.J. RUBIN (SIGNED) M. ROUGE

END QUOTE.

3. FRG REP WILL SUBMIT LETTER ALONG LINES OF A/10130 OF
JULY 2, 1975. WILL TRANSMIT TEXT WHEN AVAILABLE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, COMMITTEE MEETINGS, MULTINATIONAL CORPORATIONS, MEETING DELEGATIONS, DIPLOMATIC COMMUNICATIONS, OPPOSITION TO ADMISSION
Control Number: n/a
Copy: SINGLE
Draft Date: 11 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976LIMA02365
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760093-0884
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760372/aaaaclet.tel
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Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
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Original Previous Handling Restrictions: n/a
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Review Authority: wolfsd
Review Comment: n/a
Review Content Flags:
Review Date: 24 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUN 2004 by chengls>; APPROVED <14 SEP 2004 by wolfsd>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
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Subject: UN TRANSNATIONAL COMMISSION - FRG REPRESENTATION ISSUE
TAGS: ACOM, EFIN, OCON, GE, UR, FR, ECOSOC, TNC, (GUENTHER, EBERHARD)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006